

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary K. Michelson, M.D. )  
Serial No.: (Cont. of 10/098,991) ) (Group Art Unit: 3731)  
Filed: March 16, 2004 ) (Examiner: Unknown)  
For: SKELETAL PLATING SYSTEM )

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously cited in a prior application, Serial No. 10/098,991, filed March 15, 2002; Serial No. 09/669,912, filed September 26, 2000 (now U.S. Patent No. 6,383,186); or Serial No. 09/022,344, filed February 11, 1998 (now U.S. Patent No. 6,139,550); upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

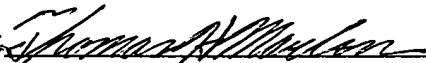
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 16, 2004

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Substitute for FORM PTO-1449			Attorney Docket Number 101.0058-03000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant Gary K. Michelson		Application Number (Cont. of 10/098,991)	
(Use several sheets if necessary) Sheet <u>1</u> of <u>2</u>			Filing Date March 16, 2004		Group Art Unit (3731)	Examiner (Unknown)
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Des. 402,032	12/1998	Stone			
	Des. 406,646	03/1999	Stone			
	Re. 31,628	07/1984	Allgower et al.			
	1,105,105	07/1'914	Sherman			
	4,488,543	12/1984	Tornier			
	4,493,317	01/1985	Klaue			
	4,503,848	03/1985	Caspar et al.			
	4,542,539	09/1985	Rowe, Jr. et al.			
	4,651,724	03/1987	Berentey et al.			
	4,794,918	01/1989	Wolter			
	4,959,065	09/1990	Arnett et al.			
	5,041,113	08/1991	Biedermann et al.			
	5,053,036	10/1991	Perren et al.			
	5,127,912	07/1992	Ray et al.			
	5,147,361	09/1992	Ojima et al.			
	5,180,381	01/1993	Aust et al.			
	5,190,544	03/1993	Chapman et al.			
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	5,364,399	11/1994	Lowery et al.			
	5,380,328	01/1995	Morgan			
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	5,520,690	05/1996	Errico et al.			
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	5,607,426	03/1997	Ralph et al.			
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	5,954,722	09/1999	Bono			
	6,022,350	02/2000	Ganem			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	DE 4409833	10/1995	Germany			Abstract Only
	DE 4414781	11/1995	Germany			U.S. Equivalent US 5,662,652
	WO 94 26193	11/1994	WIPO			N/A
	WO 95 35067	12/1995	WIPO			N/A
	WO 96 08206	03/1996	WIPO			N/A

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	European Search Report for EP 98 904937; date completed June 21, 2001.
	European Search Report for EP 98 906158; date completed June 26, 2001.
	Advertisement for Codman Anterior Cervical Plate System by Codman; Johnson & Johnson; Professional, Inc.; undated.
	AESCLAP Scientific Information Booklet; <u>Anterior Cervical Fusion and Interbody Stabilization with the Trapezial Osteosynthetic Plate Technique</u> by Wolfhard Casper; 2/86.
	Article from Plastic and Reconstructive Surgery; <u>Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws</u> by John T. Phillips, M.D., F.R.C.S. (C), and Berton A. Rahn, M.D., D.D.S.; 3/89.
	Article from The Journal of Prosthetic Dentistry; <u>Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants</u> by Keiichi Satomi, D.D.S.; Yasumasa Akagawa, D.D.S., Ph.D.; and Hiroshima Tsuru, D.D.S., Ph.D.; 3/88; Volume 59, No. 3.
	Brochure by SYNTHES Spine for <u>Cervical Spine Locking Plate</u> ; 1991.
	ORION Brochure; <u>Anterior Cervical Plate System, Surgical Technique</u> , as described by Gary L. Lowery, M.D., Ph.D.; 1996.
	CODMAN Brochure; <u>Anterior Cervical Plate System</u> ; 9/95.
	<b>DATE CONSIDERED</b>

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.